

Horse racing betting clerk strike hits 15th week

Heated labour dispute shows no signs of settlement

By KAREN SMITH
The Champion

Mutuel clerks and the Ontario Jockey Club (OJC) are nowhere near settling as a bitter lockout approaches its fifteenth week.

No talks have been scheduled and the two sides are currently before the Ontario Labour Board, after workers charged that the OJC was bargaining in bad faith.

The employees, members of the Service Employees International Union (SEIU), have been locked out since February 26 in a heated labour dispute that has involved a court injunction and job termination notices to three workers.

The 500 fulltime and part-time bet takers at the OJC's three

tracks, including Mohawk Raceway in Campbellville, and 26 off-track wagering teletheatres, have been without a contract since December 31.

The main bone of contention is pay structure, but workers say they're not seeking wage increases. Brett Goodall, chairman of local 528, said the OJC is trying to introduce a new wage system that means workers would work more hours for the same money.

The workers are currently paid on a daily basis, but the OJC is proposing to pay hourly rates. If a fulltime employee worked a usual four-and-a-half hour shift, his wages would be reduced from \$109.35 to \$74.25 (at a pay rate of \$16.50 per hour), Mr. Goodall said.

"We think the least they could do was give us the same money as before," he said.

However, OJC director of corporate communications Jack Saunders pointed out a different perspective.

He said the OJC wants to change the scheduling and pay system

based on a 35-hour work week. Fulltime employees would be offered the opportunity to work up to 35 hours per week instead of the average 23 hours currently.

He said the move would give workers opportunities to earn more money, depending on how often they wanted to work.

"Some people will make less money and there are some people that will make more money," he said.

The employees turned down the OJC's last contract offer in April by a strong majority.

"As desperate as people are, the contract was so bad, well over 80 per cent of workers rejected it," Mr. Goodall said. "They're not giving us a contract that has any dignity at all."

The proposed deal included the termination of three employees who the OJC say clearly committed picket line violations that involved damage to cars entering race tracks.

Unless contract negotiations thwart the firings, the workers "won't be asked back," said Mr. Saunders, noting it's illegal to fire an employee during a formal labour dispute.

Following the confrontations, the OJC won an Ontario Labour Board injunction limiting the locked-out workers' activity on picket lines. Only four picketers can be at any one site at a time and they cannot block vehicles.

With replacement workers and a strong injunction on its side, the OJC has a clear advantage, and the future of the local is uncertain, Mr. Goodall said. Workers have received little picket pay and some employees have had to give up their homes, he said. Financial situations are desperate for some workers and the international union recently stepped in to help.

Ken Brown, SEIU International vice-president, said he doesn't buy the OJC's call for a new wage system.

"The OJC has been using financial difficulties as an excuse for trying to reduce our workers' wages by 30 per cent," he said.

"With expected revenues of \$46 million from VLTs (video lottery terminals) and an estimated tax savings of \$54 million handed to them in (Ontario Finance Minister) Ernie Eves' recent budget, we find it hard to sympathize."

Doctor says:

Hayden may die if he's sent to prison

By KAREN SMITH
The Champion

The life of a retired firefighter accused of arson would be in serious danger if he was sent to jail, a psychiatrist testified Friday.

A prison environment would set up Richard Hayden, whose mental health is deteriorating, for abuse from other inmates, Dr. Angus McDonald told Ontario Court (provincial division) in Oakville.

"I'm concerned he might end up dying in custody," the psychiatrist said at the trial in connection with an arson rampage through town last year.

Lawyer Fred Forsyth has raised a defence that Mr. Hayden, charged with six counts of arson and three of break and enter, isn't criminally responsible for his actions due to mental illness.

Although the former City of York firefighter has pleaded not guilty to the charges, he hasn't contested evidence that he torched vacant buildings such as barns and churches in town between April 7 and 29, 1995, causing more than \$800,000 damage.

However, assistant Crown attorney Amy Stevenson is attempting to prove that Mr. Hayden knew his crimes were wrong and appreciated the nature and quality of the acts.

The mental disorder defence under the federal Criminal Code states that the suspect must, at the time of the crime, have suffered from a disease of the mind that "rendered the person incapable of appreciating the nature and quality of the act or of knowing that it was wrong."

Court heard Dr. McDonald wrote in a June, 1995 report that he believed Mr. Hayden didn't qualify for that defence, but later changed his mind.

"A person spending a lifetime putting out fires and then setting them instead doesn't make sense," he testified.

"He certainly knew that what he was doing was wrong and that it would get him into some of trouble. But he didn't realize the seriousness of what he was doing."

Court has heard that the 57-year-old Churchill Avenue man admitted in a police interview that he set the structures afire with gasoline, and later returned to the scenes to watch firefighters battle the flames because he missed his old job.

He then told police he wanted to go home.

"I don't see how any rational person could admit to 11 arsons and then expect to go home the same day," Dr. McDonald said.

Mr. Hayden, who suffered brain damage from a stroke, is currently incarcerated in a psychiatric institution near Ottawa.

The trial is scheduled to continue June 12 in Oakville.

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